

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00620

**Rickey Riley,**  
*Plaintiff,*

v.

**Van Zandt County Jail et al.,**  
*Defendants.*

Before BARKER, *District Judge*

**ORDER**

Rickey Riley filed this action on December 30, 2019. Doc. 1. That same day, Riley moved for leave to proceed *in forma pauperis*. Doc. 2. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. Doc. 3. On January 2, 2020, Judge Mitchell entered a report and recommendation that plaintiff's motion to proceed *in forma pauperis* be denied, and that this case be dismissed with prejudice for purposes of proceeding *in forma pauperis*. Doc. 4. Riley received a copy of this report and recommendation sometime before January 10, 2020. *See* Doc. 5. He has not objected.

When no party objects to a magistrate judge's report and recommendation within 14 days of service, the district court "need only satisfy itself that there is no clear error on the face of the record." *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (cleaned up). Here, the magistrate judge erroneously characterized Riley's allegation that his blood pressure has not been checked as conclusory. *See* Doc. 4 at 3. This factual allegation is clearly not conclusory. But this error does not disturb the propriety of the magistrate judge's recommended disposition. And there is no other clear error.

Accordingly, the report and recommendation (Doc. 4) is **adopted**. Riley's motion to proceed *in forma pauperis* (Doc. 2) is **denied**. This case is **dismissed with prejudice** for purposes of proceeding *in forma pauperis*. Any outstanding motions are **denied as moot**. The clerk of court is **directed** to close this case. However, pursuant to the magistrate judge's recommendation, if Riley pays the full filing fee within 15 days of the issuance of this order, this case will proceed as if he had paid the full filing fee at the outset of this case.

*So ordered by the court on April 9, 2020.*



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J. CAMPBELL BARKER  
United States District Judge